

# DEPARTMENT OF HEALTH AND SOCIAL SERVICES

## DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 503(c) (31 **Del.C.** §503(c))  
16 **DE Admin. Code** 11003.2.1

### FINAL

#### 11003.2.1 Sanctioning TANF and Transitional Work Program Recipients

### ORDER

#### NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program, specifically, *Sanctioning TANF and Transitional Work Program Recipients*. The Department's proceedings to amend its regulations were initiated pursuant to 29 **Delaware Code** Section 10114 and its authority as prescribed by 31 **Delaware Code** Section 512.

The Department published its notice of proposed regulation changes pursuant to 29 **Delaware Code** Section 10115 in the October 2012 Delaware *Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced October 31, 2012 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

#### SUMMARY OF PROPOSAL

The proposed change described below amends Child Care Subsidy Program policies in the Division of Social Services Manual (DSSM) regarding *TANF and Transitional Work Program Sanctions*.

#### Statutory Authority

45 CFR §98.20, *A child's eligibility for child care services*

#### Summary of Proposed Change

**DSSM 11003.2.1, *TANF and Transitional Work Program Sanctions***: The policy on TANF Sanctions includes sanctions that may be applied as a result of noncompliance with the Transitional Work Program (TWP). The Division of Social Services (DSS) proposes to remove policy language that addresses the requirements for clients who are working to cure a second or subsequent TANF and/or TWP sanction. These requirements have not been implemented operationally. The Division may reconsider for future rulemaking once these provisions can be supported by the Delaware Client Information System (DCIS), Delaware's integrated eligibility system.

#### SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE

The Governor's Advisory Council for Exceptional Citizens (GACEC) and the State Council for Persons with Disabilities (SCPD) offered the following observations summarized below. The Division of Social Services (DSS) has considered each comment and responds as follows.

The current regulation imposes restrictions on access to child care services for individuals working to cure a second or subsequent sanction. The Division proposes to repeal the specific restrictions which DSS acknowledges "have not been implemented operationally".

GACEC and SCPD endorse the proposed regulation since the amendment offers some flexibility in access to child care for individuals working to cure second or subsequent sanctions. Access to child care is an important support enabling individuals to pursue employment or training.

**Agency Response**: DSS thanks the Councils for their endorsement.

#### FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the October 2012 *Register of Regulations* should be adopted.

**THEREFORE, IT IS ORDERED**, that the proposed repeal regulation to amend the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program, specifically, *Sanctioning TANF and Transitional Work Program Recipients* is adopted and shall be final effective December 10, 2012.

Rita M. Landgraf, Secretary, DHSS

## **DSS FINAL ORDER REGULATION #12-55**

### **REVISIONS:**

#### **11003.2.1 Sanctioning TANF and Transitional Work Program Recipients**

Recipients who fail without good cause to meet requirements for the TANF Employment and Training or Transitional Work Program are sanctioned.

When TANF recipients receive a full family sanction or fail without good cause to comply with the Transitional Work Program (TWP), they lose their TANF Child Care. This means their child care case will close. In order to regain TANF Child Care, recipients must work to cure the sanction by cooperating with their TANF or TWP requirements.

Clients curing their TANF sanction may be eligible for child care under Presumptive Child Care Services (DSSM 11004.8).

~~Clients working to cure a second or subsequent TANF and/or TWP sanction may only use self arranged care. Clients may choose any child care option beginning the month after the sanction is cured.~~

~~[NOTE: Clients must use self arranged care each time they are sanctioned. This requirement applies until they cooperate with their TANF or TWP requirements for 12 consecutive months.]~~

~~See 11003.2.1 TANF & Transitional Work Program – History~~

~~See 11003.7.8 Special Needs~~

~~See 3017.1 Transitional Work Program~~

**13 DE Reg. 1337 (04/01/10)**

**14 DE Reg. 1373 (06/01/11)**

**16 DE Reg. 643 (12/01/12) (Final)**